

[DOCID: f:publ011.108]

[[Page 117 STAT. 559]]

Public Law 108-11
108th Congress

An Act

Making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes. <<NOTE: Apr. 16, 2003 - [H.R. 1559]>>

Be it enacted by the Senate and House of Representatives of the United States of America <<NOTE: Emergency Wartime Supplemental Appropriations Act, 2003.>> in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I--WAR-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

buildings and facilities

For an additional amount for ``Buildings and Facilities", \$110,000,000, to remain available until expended.

Public Law 480 Title II Grants

(including transfer of funds)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$369,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2003 programs under section 204(a)(2) of the

Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation \$69,000,000 to acquire a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust: Provided further, That the authority contained in 7 U.S.C. 1736f-1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.

[[Page 117 STAT. 560]]

CHAPTER 2

DEPARTMENT OF JUSTICE

General Administration

salaries and expenses

For an additional amount for ``General Administration, Salaries and Expenses'', \$5,000,000, to remain available until September 30, 2004.

counterterrorism fund

For an additional amount for ``Counterterrorism Fund'', \$20,000,000, to remain available until December 31, 2003: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of division B of Public Law 108-7.

detention trustee

For an additional amount for ``Detention Trustee'' for the detention of Federal prisoners in the custody of the United States Marshals Service, \$40,000,000.

office of inspector general

For an additional amount for ``Office of Inspector General'', \$2,500,000, to remain available until September 30, 2004.

Legal Activities

salaries and expenses, united states marshals service

For an additional amount for ``Salaries and Expenses, United States Marshals Service" for necessary expenses, \$8,000,000, to remain available until September 30, 2004.

Federal Bureau of Investigation

salaries and expenses

For an additional amount for ``Federal Bureau of Investigations, Salaries and Expenses", \$367,192,000, to remain available until September 30, 2004: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

Office of Justice Programs

community oriented policing services

For an additional amount for ``Community Oriented Policing Services", \$54,750,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Program, for grants to States

[[Page 117 STAT. 561]]

and localities to improve communications within and among law enforcement agencies: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

THE JUDICIARY

Supreme Court of the United States

salaries and expenses

For an additional amount for ``Supreme Court of the United States, Salaries and Expenses" for police enhancements, \$1,535,000, to remain available until September 30, 2004.

United States Court of Appeals for the Federal Circuit

salaries and expenses

For an additional amount for ``United States Court of Appeals for the Federal Circuit, Salaries and Expenses" for court security officer expenses, \$973,000, to remain available until September 30, 2004.

United States Court of International Trade

salaries and expenses

For an additional amount for ``United States Court of International Trade, Salaries and Expenses" to enhance security, \$50,000.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

diplomatic and consular programs

For an additional amount for ``Diplomatic and Consular Programs", \$88,420,000, to remain available until December 31, 2003: Provided, That \$35,800,000 shall be available for costs associated with the re-establishment of a United States diplomatic presence in Baghdad, Iraq.

In addition, for the costs of worldwide security upgrades, \$10,000,000, to remain available until December 31, 2003.

embassy security, construction, and maintenance

For an additional amount for ``Embassy Security, Construction, and Maintenance", \$149,500,000, to remain available until expended.

emergencies in the diplomatic and consular service

For an additional amount for ``Emergencies in the Diplomatic and Consular Service", \$50,000,000, to remain available until

[[Page 117 STAT. 562]]

expended, which may be transferred to, and merged with, the appropriations for ``Diplomatic and Consular Programs".

RELATED AGENCY

Broadcasting Board of Governors

international broadcasting operations

For an additional amount for ``International Broadcasting Operations" for activities related to the Middle East Television Network broadcasting to the Middle East and radio broadcasting to Iraq, \$30,500,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

Sec. 1201. Funds appropriated under this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE--MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for ``Military Personnel, Army", \$7,700,000,000.

Military Personnel, Navy

For an additional amount for ``Military Personnel, Navy", \$1,600,000,000.

Military Personnel, Marine Corps

For an additional amount for ``Military Personnel, Marine Corps", \$1,200,000,000.

Military Personnel, Air Force

For an additional amount for ``Military Personnel, Air Force", \$2,800,000,000.

Reserve Personnel, Army

For an additional amount for ``Reserve Personnel, Army", \$3,000,000.

National Guard Personnel, Army

For an additional amount for ``National Guard Personnel, Army", \$100,000,000.

[[Page 117 STAT. 563]]

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for ``Operation and Maintenance, Army", \$16,000,000,000.

Operation and Maintenance, Navy

For an additional amount for ``Operation and Maintenance, Navy", \$5,100,000,000.

Operation and Maintenance, Marine Corps

For an additional amount for ``Operation and Maintenance, Marine Corps", \$1,650,000,000.

Operation and Maintenance, Air Force

For an additional amount for ``Operation and Maintenance, Air Force", \$7,100,000,000.

Operation and Maintenance, Defense-Wide

For an additional amount for ``Operation and Maintenance, Defense-Wide", \$1,200,000,000.

Operation and Maintenance, Army Reserve

For an additional amount for ``Operation and Maintenance, Army Reserve", \$3,000,000.

Operation and Maintenance, Navy Reserve

For an additional amount for ``Operation and Maintenance, Navy Reserve", \$7,000,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for ``Operation and Maintenance, Marine Corps Reserve", \$20,000,000.

Operation and Maintenance, Army National Guard

For an additional amount for ``Operation and Maintenance, Army National Guard", \$75,000,000.

Operation and Maintenance, Air National Guard

For an additional amount for ``Operation and Maintenance, Air National Guard", \$20,000,000.

Iraq Freedom Fund

(transfer of funds)

There is established in the Treasury of the United States a special account to be known as the ``Iraq Freedom Fund". For additional expenses for ongoing military operations in Iraq, and

[[Page 117 STAT. 564]]

those operations authorized by Public Law 107-40, and other operations and related activities in support of the global war on terrorism, not otherwise provided for, necessary to finance the estimated partial costs of combat, stability operations (including natural resource risk remediation activities), force reconstitution, replacement of munitions and equipment, and other costs, there is hereby appropriated \$15,678,900,000, to remain available for transfer until September 30, 2004: Provided, That amounts provided under this heading shall be available for transfer for the following activities:

Not less than \$1,771,180,000 for classified programs, which shall be in addition to amounts provided for elsewhere in this chapter, and under this heading, for procurement and research, development, test and evaluation;

Not less than \$1,100,000,000 for increased fuel costs, for transfer to ``Defense Working Capital Funds";

Up to \$1,400,000,000 for transfer to ``Operation and Maintenance, Defense-Wide", only for purposes further specified in section 1310 of this chapter;

Up to \$489,300,000 for transfer to the ``Natural Resources Risk Remediation Fund";

Up to \$400,000,000 for transfer to Department of Homeland Security, ``United States Coast Guard, Operating Expenses", to

support military activities in connection with operations in and around Iraq and the global war on terrorism;

Up to \$57,600,000 for research, development, test, and evaluation; and

Up to \$25,000,000 for counter-terrorism military training activities for foreign governments in connection with the global war on terrorism, including equipment, supplies and services, on such terms as the Secretary of Defense, with the concurrence of the Secretary of State and 15 days following submission of a financial plan for the use of such funds to the congressional defense committees, may determine:

Provided further, That in addition to the transfers authorized in the preceding proviso, the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program appropriation; and working capital funds: Provided further, That the funds transferred under this heading shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this <<NOTE: Deadline. Notification.>> appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That <<NOTE: Reports. Deadline.>> the Secretary of Defense shall submit a report no later than July 1, 2003, and then 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

[[Page 117 STAT. 565]]

Natural Resources Risk Remediation Fund

(transfer of funds)

There is established in the Treasury of the United States a special account to be known as the ``Natural Resources Risk Remediation Fund". Funds transferred to, appropriated to, and contributions made to, the

Natural Resources Risk Remediation Fund may be made available for expenses necessary, in and around Iraq, to address emergency fire fighting, repair of damage to oil facilities and related infrastructure, and preserve a distribution capability, and may remain available until expended: Provided, That up to \$489,300,000 of the funds appropriated to the Iraq Freedom Fund in this Act may be transferred to this fund: Provided further, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: Provided further, That funds available in the Defense Cooperation Account may be transferred to and merged with the Natural Resources Risk Remediation Fund: Provided further, That the Secretary of Defense may transfer funds available in the Natural Resources Risk Remediation Fund to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation: Provided further, That in administering the Natural Resources Risk Remediation Fund during fiscal year 2003, the Secretary of Defense may transfer funds from the Iraq Freedom Fund only to the extent that amounts transferred from the Defense Cooperation Account and amounts accepted pursuant to the authority of the second proviso of this paragraph are not currently available: Provided further, That, hereafter, contributions of money deposited into the Natural Resources Risk Remediation Fund shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the Defense Cooperation Account under section 2608, chapter 155 of title 10, United States Code: Provided further, That <<NOTE: Reports. Deadline.>> the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any transfer of funds from this appropriation.

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for ``Aircraft Procurement, Army", \$4,100,000.

[[Page 117 STAT. 566]]

Missile Procurement, Army

For an additional amount for ``Missile Procurement, Army", \$3,100,000.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for ``Procurement of Weapons and Tracked Combat Vehicles, Army", \$53,300,000.

Procurement of Ammunition, Army

For an additional amount for ``Procurement of Ammunition, Army", \$447,500,000.

Other Procurement, Army

For an additional amount for ``Other Procurement, Army", \$241,800,000.

Other Procurement, Air Force

For an additional amount for ``Other Procurement, Air Force", \$113,600,000.

Procurement, Defense-Wide

For an additional amount for ``Procurement, Defense-Wide", \$451,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for ``Research, Development, Test and Evaluation, Army", \$11,500,000.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for ``Research, Development, Test and Evaluation, Defense-Wide", \$70,000,000, to remain available for obligation until September 30, 2004.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for ``Defense Health Program", \$501,700,000 for Operation and maintenance.

Drug Interdiction and Counter-Drug Activities, Defense

For an additional amount for ``Drug Interdiction and Counter-Drug Activities, Defense", \$34,000,000.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 1301. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under

[[Page 117 STAT. 567]]

each of the headings in this chapter shall be available for the same time period, and subject to the same terms and conditions, as the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 2003 (Public Law 107-248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108-7).

Sec. 1302. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in previous fiscal year 2003 appropriations acts which make appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

Sec. 1303. None of the funds in this chapter may be used to develop or procure any item or capability that will not be fielded within 4 years of enactment of this Act.

Sec. 1304. (a) Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), is <<NOTE: 116 Stat. 1522.>> amended under the heading ``Operation and Maintenance, Defense-Wide" by striking ``\$25,000,000" and inserting ``\$50,000,000".

(b) During fiscal year 2003 and notwithstanding the limitations in section 166a(e)(1) of title 10, United States Code, of the total amount available under such heading for the CINC initiative fund account (as amended by subsection (a)), not more than \$15,000,000 may be used for the purpose described in subparagraph (A) of such section 166a(e)(1), not more than \$10,000,000 may be used for the purpose described in subparagraph (B) of such section, and not more than \$10,000,000 may be used for the purpose described in subparagraph (C) of such section.

Sec. 1305. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), is <<NOTE: 116 Stat. 1522.>> amended under the heading ``Operation and Maintenance, Defense-Wide" by striking ``\$34,500,000" and inserting ``\$50,000,000".

(transfer of funds)

Sec. 1306. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), <<NOTE: 116 Stat. 1537.>> is amended--

(1) by striking ``\$2,000,000,000" and inserting ``\$2,500,000,000";

(2) by striking ``May 31, 2003" and inserting ``June 30, 2003"; and

(3) by striking the sixth proviso, as added by section 112 of division M of Public Law 108-7, <<NOTE: Ante, p. 536.>> beginning with ``: Provided further," and ending with ``to which transferred".

(including transfer of funds)

Sec. 1307. In addition to amounts made available elsewhere in this Act for the Department of Defense, \$165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: Provided, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and

[[Page 117 STAT. 568]]

for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) prior to notifying in writing the House and Senate Committees on Appropriations of the source of the funds to be used for such purpose.

Sec. 1308. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for

purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

Sec. 1309. (a) Of the amounts available to the Secretary of Defense, \$63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: Provided, That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act.

(b) Section (4)(a)(2) of the Iraq Liberation Act <<NOTE: 22 USC 2151 note.>> of 1998 is amended by adding the following new subparagraph at the end:

``(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed \$86,500,000 in fiscal year 2003.".

(c) Notwithstanding <<NOTE: Notification. Deadline.>> any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section (4)(a)(2) of the Iraq Liberation Act of 1998 (including the drawdown authority of this section) unless the House and Senate Committees on Appropriations are notified in writing of the sources of the funds to be used for such purpose not later than 7 days following the exercise of the drawdown authority.

(including transfer of funds)

Sec. 1310. Up to \$1,400,000,000 of funds transferred under the authority provided under the heading ``Iraq Freedom Fund" to ``Operation and Maintenance, Defense-Wide" may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That unless expressly provided in an appropriations Act enacted after the date of enactment of this Act, and notwithstanding any other provision of law, no funds other than those additional

amounts provided herein shall be made available for any payments intended to fulfill the purposes specified in this section and similar reimbursement authorities expressly provided in section 304 of Public Law 107-117 and within the ``Operation and Maintenance, Defense-Wide" appropriation account enacted in Public Law 107-206: Provided further, That <<NOTE: Deadline. Reports.>> not later than July 1, 2003, the Secretary of Defense shall submit a report in writing to the Committees on Appropriations that includes a financial plan for the obligation and expenditure of such funds: Provided further, That if such report is not provided to the Committees on Appropriations by the date specified in the previous proviso, unobligated balances of funds that are available from the amounts provided in this chapter for the purposes specified under this section shall be returned to the Treasury of the United States: Provided further, That, <<NOTE: Deadline. Reports.>> beginning not later than July 1, 2003, the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the uses of funds made available for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with military action in and around Iraq and the global war on terrorism.

(transfer of funds)

Sec. 1311. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may transfer between appropriations up to \$2,000,000,000 of the funds made available in this chapter: Provided, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 107-248 except for the fourth proviso.

Sec. 1312. The <<NOTE: Notification. Deadline.>> Secretary of Defense shall notify the congressional defense committees no later than 15 days after the obligation of funds appropriated in this Act for military construction activities or minor construction in excess of \$7,500,000.

(transfer of funds)

Sec. 1313. As of October 31, 2003, all balances of funds remaining in the ``Defense Emergency Response Fund" shall be transferred to, and merged with, the ``Iraq Freedom Fund", and shall be available for the

same purposes, and under the same terms and conditions, as funds appropriated to the "Iraq Freedom Fund" in this chapter.

(including transfer of funds)

Sec. 1314. Technical <<NOTE: Applicability.>> Adjustments to Public Law 107-248. Notwithstanding any other provision of law, the following adjustments and transfers shall apply to funds previously made available, and to restrictions, in the Department of Defense Appropriations Act, 2003 (Public Law 107-248):

(1) Under the heading "Operation and Maintenance, Army National Guard", not more than \$3,000,000 is available to build an Infantry Brigade Rifle Range for the South Carolina

[[Page 117 STAT. 570]]

National Guard; and, in addition, appropriations available during fiscal year 2003 under the heading "Operation and Maintenance, Army", not more than \$2,000,000 is available for training range enhancements at Fort Indiantown Gap, Pennsylvania and, further, appropriations available for the Air Battle Captain program at the University of North Dakota may be used to provide summer flight training to the United States Military Academy cadets.

(2) Under the heading, "Operation and Maintenance, Air Force", not more than \$6,800,000 is available to build and install fiber optic and power improvements and upgrades at the 11th Air Force Range.

(3) Under the heading, "Procurement, Defense-Wide", strike "purchase of 4" and insert "purchase of 6".

(4) Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds provided in Public Law 107-248 for the Dismounted Intelligence Situation Mapboard (DISM) program, and such funds, once transferred, are available for the Dismounted Intelligence Situation Mapboard (DISM) program: Provided, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading "Other Procurement, Army, 2003/2005", \$5,600,000; and

Under the heading "Research, Development, Test and Evaluation, Army, 2003/2004",

\$2,800,000.

To:

Under the heading ``Procurement, Marine Corps, 2003/2005'', \$2,800,000;

Under the heading ``Procurement, Defense-Wide, 2003/2005'', \$2,800,000;

Under the heading ``Research, Development, Test and Evaluation, Navy, 2003/2004'', \$1,400,000; and

Under the heading ``Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', \$1,400,000.

Sec. 1315. Section 811(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2608; 10 U.S.C. 2406c note) <<NOTE: 10 USC 2306c note.>> is amended by striking ``on or after the date of the enactment of this Act" and inserting ``on or after January 1, 2004".

Sec. 1316. (a) Increase in Imminent Danger Special Pay.--Section 310(a) of title 37, United States Code, is amended by striking ``\$150" and inserting ``\$225".

(b) Increase in Family Separation Allowance.--Section 427(a)(1) of title 37, United States Code, is amended by striking ``\$100" and inserting ``\$250".

(c) Expiration.--(1) The <<NOTE: 37 USC 310 note.>> amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective <<NOTE: Effective date.>> on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

[[Page 117 STAT. 571]]

(d) Effective Date.--The <<NOTE: Applicability. 37 USC 310 note.>> amendments made by subsections (a) and (b) shall take effect on October 1, 2002, and shall apply with respect to months beginning on or after that date.

(rescission of funds)

Sec. 1317. Of the funds appropriated in Department of Defense appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount: ``Research, Development, Test and Evaluation, Navy, 2003/2004'', \$3,400,000.

Sec. 1318. In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, in addition to the transportation benefits authorized under that section, travel allowances may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

Sec. 1319. (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than \$250 for the procurement of civilian attire for any member under subsection (a).

CHAPTER 4

DEPARTMENT OF DEFENSE--CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers--Civil

operation and maintenance, general

For an additional amount for homeland security expenses, for ``Operation and Maintenance, General'', \$39,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

water and related resources

For an additional amount for homeland security expenses, for ``Water and Related Resources'', \$25,000,000, to remain available until expended.

[[Page 117 STAT. 572]]

DEPARTMENT OF ENERGY

Energy Programs

science

For an additional amount for ``Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, \$11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

weapons activities

For an additional amount for ``Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, \$67,000,000, to remain available until expended: Provided, That \$20,000,000 of the funds provided shall be available for secure transportation asset activities: Provided further, That \$47,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ``Defense Nuclear Nonproliferation", \$148,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Environmental Restoration and Waste Management

For an additional amount for ``Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, \$6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ``Other Defense Activities", \$4,000,000, to remain available until expended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

United States Agency for International Development

child survival and health programs fund

For an additional amount for ``Child Survival and Health Programs Fund", \$90,000,000, to remain available until September 30, 2004.

[[Page 117 STAT. 573]]

international disaster assistance

For an additional amount for ``International Disaster Assistance", \$143,800,000, to remain available until expended: Provided, That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this Act, shall be in addition to the amount that may be obligated in any fiscal year under that section: Provided further, That during the remainder of fiscal year 2003 the authority referenced in the preceding proviso may not be utilized unless written notice has been provided to the Committees on Appropriations not less than 5 days prior to the exercise of such authority.

operating expenses of the united states agency for international development

For an additional amount for ``Operating Expenses of the United States Agency for International Development", \$24,500,000, of which not less than \$3,500,000 may be transferred to and merged with ``Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

iraq relief and reconstruction fund

(including transfers of funds)

For necessary expenses for humanitarian assistance in and around Iraq and to carry out the purposes of the Foreign Assistance Act of 1961 for rehabilitation and reconstruction in Iraq, there is appropriated to the President, \$2,475,000,000, to remain available until September 30,

2004, including for the costs of: (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations; (4) electricity; (5) healthcare; (6) telecommunications; (7) economic and financial policy; (8) education; (9) transportation; (10) rule of law and governance; (11) humanitarian demining; and (12) agriculture: Provided, That these funds shall be apportioned only to the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Defense, and the Department of Health and Human Services, as appropriate, for expenses to meet such costs: Provided further, That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That prior to the initial apportionment of funds made available under this

[[Page 117 STAT. 574]]

heading to any agency or department, the President, or his designee, shall consult with the Committees on Appropriations on plans for the use of the funds appropriated under this heading that will be used for assistance for Iraq: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: Provided further, That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That <<NOTE: Notification.>> funds appropriated under this heading or transferred under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notification of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

Economic Support Fund

For an additional amount for ``Economic Support Fund",
\$2,422,000,000, of which:

(1) not less than \$700,000,000 <<NOTE: Jordan.>> shall be made available for assistance for Jordan;

(2) \$300,000,000, to remain <<NOTE: Egypt.>> available until September 30, 2005, shall be made available only for grants for Egypt: Provided, That during the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed \$2,000,000,000: Provided further, That the Government of Egypt will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Egypt to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Egypt may be used by the Government of Egypt to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for full payment and performance of such obligations: Provided further, That the <<NOTE: President.>> President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Egypt: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

[[Page 117 STAT. 575]]

(3) not to exceed \$1,000,000,000, <<NOTE: Turkey.>> to remain available until September 30, 2005, for grants for Turkey: Provided, That during the period beginning March 1, 2003, and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed \$8,500,000,000: Provided further, That the Government of Turkey will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated

with these loans or loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loans or loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Turkey to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That none of the funds made available by this paragraph may be made available for assistance for Turkey if the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and Committee on International Relations of the House that the Government of Turkey is not cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq, or has unilaterally deployed troops into northern Iraq: Provided further, That the <<NOTE: President.>> President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Turkey: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph: Provided further, That any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for ``Iraq Relief and Reconstruction Fund";

(4) not less than \$30,000,000

for <<NOTE: Philippines.>> assistance for the Philippines to further prospects for peace in Mindanao, and not less than \$167,000,000 for assistance for Afghanistan: Provided, That of the funds appropriated under this heading, \$10,000,000 should be made available for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for a contribution to an international tribunal to bring these individuals to justice;

(5) regional funds made available under this heading for assistance that are not specified in paragraphs (1) through (4) shall be subject to the regular notification procedures of the

Committees on Appropriations; and

[[Page 117 STAT. 576]]

(6) unless otherwise specified herein, funds appropriated under this heading shall remain available until September 30, 2004.

Loan Guarantees to Israel

During the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, the principal amount, any part of which is to be guaranteed, not to exceed \$9,000,000,000, of which up to \$3,000,000,000 may be issued prior to October 1, 2003, or thereafter and of which \$3,000,000,000 may be issued subsequent to September 30, 2004: Provided, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: Provided further, That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: Provided further, That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003, to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program: Provided further, That the <<NOTE: President. Reports. Deadline.>> President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under the preceding proviso and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year: Provided further, That the interest rate for loans guaranteed under this heading may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this heading in the event the borrower elects not to finance such costs or fees out of loan principal: Provided further, That no appropriations under this heading are available for the subsidy costs for these loan guarantees: Provided further, That the Government of Israel will pay the cost, as

defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year, on a pro rata basis as each guarantee is issued during that year: Provided further, That all fees (as defined in section 601(e) of Public Law 102-391) associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: Provided further, That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: Provided further, That the <<NOTE: President.>> President shall determine the terms and conditions for issuing guarantees, taking into consideration

[[Page 117 STAT. 577]]

the budgetary and economic reforms undertaken by Israel: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this heading.

DEPARTMENT OF STATE

International Narcotics Control and Law Enforcement

For an additional amount for ``International Narcotics Control and Law Enforcement'', \$25,000,000, to remain available until September 30, 2004.

Andean Counterdrug Initiative

For an additional amount for the ``Andean Counterdrug Initiative'', \$34,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading that are made available for Colombia, not less than \$5,000,000 should be made available for programs and activities to assist persons who have been displaced as a result of armed conflict.

United States Emergency Refugee and Migration Assistance Fund

For an additional amount for ``United States Emergency Refugee and Migration Assistance Fund'', \$80,000,000, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For an additional amount for ``Nonproliferation, Anti-Terrorism, Demining and Related Programs'', \$28,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign Military Financing Program

For an additional amount for the ``Foreign Military Financing Program'', \$2,059,100,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That of the funds appropriated under this heading, not less than \$406,000,000 shall be made available for grants only for Jordan and not less than \$1,000,000,000 shall be available for grants only for Israel: Provided further, That the <<NOTE: Deadline.>> funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel

[[Page 117 STAT. 578]]

requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed to by the United States and Israel, be available for advanced weapons systems, of which not less than \$263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That up to \$20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ``Andean Counterdrug Initiative'' for aircraft, training, and other assistance for the Colombian <<NOTE: Notification.>> Armed Forces: Provided further, That, except for Israel and Jordan, funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the commitment of funds: Provided further, That such <<NOTE: Reports.>> notification shall be in the form of a report (in classified or unclassified form) which contains each country receiving assistance from funds aggregated under this heading, other than Israel and Jordan, the amount of assistance to be

provided and a description of the equipment and other assistance being financed from such funds.

Peacekeeping Operations

For an additional amount for ``Peacekeeping Operations", \$100,000,000, to remain available until September 30, 2004.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 1501. Any appropriation made available in this chapter under the headings ``International Disaster Assistance", ``United States Emergency Refugee and Migration Assistance Fund", ``Nonproliferation, Anti-Terrorism, Demining and Related Programs", ``Peacekeeping Operations", or ``Iraq Relief and Reconstruction Fund" may be transferred between such appropriations for use for any of the purposes for which the funds in such receiving account may be used: Provided, That the total amount transferred from funds appropriated under these headings shall not exceed \$100,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That <<NOTE: Notification.>> funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligations of funds.

Sec. 1502. Assistance or other financing under this chapter may be provided for Iraq notwithstanding any other provision of law: Provided, That the authority contained in this section shall not apply to section 553 of Public Law 108-7: Provided further, That funds made <<NOTE: Notification.>> available for Iraq pursuant to this authority shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking

[[Page 117 STAT. 579]]

the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided

further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Sec. 1503. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: Provided, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484), except that such Act shall not apply to humanitarian assistance and supplies: Provided further, That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: Provided further, That military equipment, as defined by title XVI, section 1608(1)(A) of Public Law 102-484, shall not be exported under the authority of this section: Provided further, That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: Provided further, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: Provided further, That <<NOTE: President. Notification.>> the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: Provided further, That <<NOTE: Deadlines. President. Reports.>> not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: Provided further, That the <<NOTE: Expiration date.>> authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

Sec. 1504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if the President determines and notifies within 5 days prior to export the Committee on

Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: Provided, That the limitation regarding nonlethal military equipment shall not apply to military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police

[[Page 117 STAT. 580]]

force: Provided further, That the <<NOTE: Expiration date.>> authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

Sec. 1505. Division E of Public Law 108-7, under the heading ``Assistance for the Independent States of the <<NOTE: Ante, p. 169.>> Former Soviet Union'', is amended in subsection (f) by: (1) striking ``assistance for the Government'' and inserting ``assistance for the central Government''; and (2) striking ``unless'' and inserting ``if''; and striking ``not facilitated'' and inserting ``facilitated''.

SEC. 1506. <<NOTE: President. 22 USC 2151 note.>> REPORTS ON UNITED STATES STRATEGY FOR RELIEF AND RECONSTRUCTION IN IRAQ.

(a) Initial Report.--Not <<NOTE: Deadline.>> later than 45 days after the date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days of enactment of this Act).

(2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.

(3) A strategy for coordinating such activities among the United States Government, foreign governments and international

organizations, including the United Nations.

(4) An initial estimate of the costs expected to be associated with such activities.

(5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.

(b) Subsequent Reports.--Not later <<NOTE: Deadlines.>> than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:

(1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations--

(A) were initiated; or

(B) were completed.

(2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:

[[Page 117 STAT. 581]]

(A) Cost estimates for carrying out the proposed activities.

(B) The source of the funds that will be used to pay such costs.

(3) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).

(4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

Departmental Management

counterterrorism fund

For an additional amount for the ``Counterterrorism Fund" for necessary expenses as determined by the Secretary of Homeland Security, \$150,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 1601 of this Act.

Citizenship and Immigration Services

operating expenses

For necessary expenses for ``Operating Expenses" related to conducting Operation Liberty Shield, \$3,000,000, to remain available until expended: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

United States Secret Service

operating expenses

For an additional amount for ``Operating Expenses" for necessary expenses related to conducting Operation Liberty Shield, \$30,000,000, to remain available <<NOTE: Notification. Deadline.>> until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

Border and Transportation Security

customs and border protection

For necessary expenses for ``Customs and Border Protection" related to conducting Operation Liberty Shield and for other purposes, \$333,000,000, to remain available until expended: Provided,

[[Page 117 STAT. 582]]

That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

immigration and customs enforcement

For necessary expenses for ``Immigration and Customs Enforcement" related to conducting Operation Liberty Shield and for other purposes, \$170,000,000, to remain available until expended: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

transportation security administration

For necessary expenses for ``Transportation Security Administration", \$665,000,000, to remain available until expended: Provided, That \$130,000,000 of this amount shall not be made available until September 30, 2003: Provided further, That of the total amount provided, the following amounts are made available solely for the purposes specified below:

- (1) physical modification of commercial service airports for the purposes of installing checked baggage explosive detection systems into airport baggage systems, \$235,000,000;
- (2) port security grants, \$20,000,000; and
- (3) passenger screener hiring, training and related costs, \$280,000,000, which shall not be obligated: (a) until the President transmits an official budget request for such amount to the Congress; and (b) until the Administrator of the Transportation Security Administration submits a fiscal year 2003 budget execution plan approved by the Office of Management and Budget detailing spending levels by budget line item, program, project and activity: Provided, That such plan shall fully fund all programs and activities specifically funded by Congress in Public Laws 107-206 and 108-7:

Provided further, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

Federal Law Enforcement Training Center Operating Expenses

For an additional amount for ``Operating Expenses" related to conducting Operation Liberty Shield, \$2,000,000, to remain available until expended: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

Office for Domestic Preparedness

For an additional amount for the ``Office for Domestic Preparedness'', \$2,230,000,000, to remain available until December 31, 2003, as authorized by sections 403(5) and 430 of the Homeland Security Act of 2002 (Public Law 107-296) and section 1014 of the USA PATRIOT Act of 2001 (Public Law 107-56), for grants, contracts, cooperative agreements, and other activities, including grants to

[[Page 117 STAT. 583]]

State and local governments for terrorism prevention activities, which shall be allocated as follows:

(1) \$1,300,000,000 for grants pursuant to section 1014 of Public Law 107-56: Provided, That the <<NOTE: Deadlines.>> application for grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award;

(2) \$30,000,000 for technical assistance;

(3) \$200,000,000 for formula-based grants for critical infrastructure protection, subject to section 1014(c)(3) of Public Law 107-56: Provided, That the <<NOTE: Deadlines.>> application for these grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 50 percent of the total amount of the grant to local governments within 45 days of the grant award; and

(4) \$700,000,000 for discretionary grants for use in high-density urban areas, high-threat areas, and for protection of critical infrastructure, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be transferred by the State to local governments within 45 days of the receipt of funds: Provided further, That section 1014(c)(3) of Public Law 107-56 shall not apply to these grants:

Provided, That none of the funds appropriated under this heading shall

be used for the construction or renovation of facilities: Provided further, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, to include personnel overtime as needed: Provided further, That the <<NOTE: Notification. Deadline.>> Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under this heading.

United States Coast Guard

operating expenses

For an additional amount for ``Operating Expenses" for expenses related to conducting Operation Liberty Shield and for other purposes, \$228,000,000, to remain available until expended: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

Emergency Preparedness and Response

operating expenses

For necessary expenses for ``Operating Expenses" related to conducting Operation Liberty Shield, \$45,000,000, to remain available until expended: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the

[[Page 117 STAT. 584]]

Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

emergency management planning and assistance

For an additional amount for ``Emergency Management Planning and Assistance", \$54,750,000, for grants for interoperable communications equipment: Provided, That the <<NOTE: Notification. Deadline.>> Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 1601. (a) None of the funds provided by this Act, or provided

by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

Sec. 1602. (a) The Under Secretary of Homeland Security for Border and Transportation Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) Beginning 30 <<NOTE: Deadline. Reports.>> days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on

[[Page 117 STAT. 585]]

Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

Sec. 1603. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States Border Patrol agents and United States Border Patrol canines if such donations would further the mission of protecting our Nation's borders and ports of entry as determined by the Under Secretary for Border and Transportation Security.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

disease control, research, and training

For an additional amount for ``Centers for Disease Control and Prevention, Disease Control, Research, and Training'', \$16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

Office of the Secretary

public health and social services emergency fund

For an additional amount for ``Public Health and Social Services Emergency Fund'', for the Centers for Disease Control and Prevention, \$100,000,000, to remain available until expended.

For an additional amount for the ``Public Health and Social Services Emergency Fund'', \$42,000,000, to remain available until expended, for costs associated with compensating individuals with injuries resulting from smallpox vaccinations and countermeasures: Provided, That such funds shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

General Provision

repatriation

Sec. 1701. Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)), is amended by striking ``1991'' and inserting ``2003''.

CHAPTER 8

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

Salaries and Expenses

For an additional amount for salaries and expenses of the House of Representatives, \$11,000,000, as follows:

[[Page 117 STAT. 586]]

Committee Employees

Standing Committees, Special and Select

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, \$11,000,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

CAPITOL POLICE

General Expenses

For an additional amount for ``General expenses'', \$37,758,000, to remain available until expended.

OFFICE OF COMPLIANCE

Salaries and Expenses

For an additional amount for ``Salaries and expenses'', \$111,000.

ARCHITECT OF THE CAPITOL

Capitol Building

For an additional amount for ``Capitol building'', \$1,100,000.

Capitol Power Plant

For an additional amount for ``Capitol power plant'', \$22,679,000, which shall remain available until September 30, 2007.

Capitol Police Buildings and Grounds

For an additional amount for ``Capitol police buildings and grounds'', \$40,140,000, to remain available until September 30, 2007.

LIBRARY OF CONGRESS

Salaries and Expenses

For an additional amount for ``Salaries and expenses", \$5,500,000 to remain available until September 30, 2007.

Congressional Research Service

salaries and expenses

For an additional amount for ``Salaries and expenses", \$1,863,000, to remain available until September 30, 2004.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

For an additional amount for ``Salaries and expenses", \$4,849,000.

[[Page 117 STAT. 587]]

GENERAL PROVISIONS, THIS CHAPTER

Sec. 1801. Postal Patron Postcards. The matter under the subheading ``miscellaneous items" under the heading ``Contingent Expenses of the Senate" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7) <<NOTE: Ante, p. 348.>> is amended by striking ``with a population of less than 250,000".

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Navy

For an additional amount for ``Military Construction, Navy", \$48,100,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

Military Construction, Air Force

For an additional amount for ``Military Construction, Air Force", \$152,900,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing Operation and Maintenance, Air Force

For an additional amount for ``Family Housing Operation and Maintenance, Air Force", \$1,800,000.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 1901. (a) Transfer Authority.--Subject to subsection (b), the Secretary of Defense may transfer not more than \$150,000,000 of the funds appropriated or otherwise made available to the Department of Defense in this Act to the contingency construction account, authorized under section 2804 of title 10, United States Code, for the purpose of carrying out military construction projects not otherwise authorized by law. The transfer authority under this section is in addition to any other transfer authority available to the Department of Defense.

(b) Conditions on Transfer.--A transfer of funds under subsection (a) may not be made until the end of the 7-day period beginning on the date the Secretary of Defense submits written notice to the appropriate committees of Congress certifying that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support Department of Defense operations in Iraq, and specifying the amounts and purposes of the transfer, including a list of proposed projects and their estimated costs.

(c) Notice of Obligations.--Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the

[[Page 117 STAT. 588]]

contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than 15 days after the obligation of the funds for the project, specifying the estimated cost of the project and including form 1391.

(d) Definitions.--For purposes of this section, the terms ``appropriate committees of Congress", ``military construction", and ``military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term ``military

installation" includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

Sec. 1902. (a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of funding the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority <<NOTE: Effective date.>> provided in this section shall be effective upon the date of the enactment of this Act.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

Maritime Administration

maritime guaranteed loan (title xi) program account

For the cost of guaranteed loans, as authorized, \$25,000,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That <<NOTE: Certification.>> none of the funds under this heading may be obligated or expended until the Department of Transportation Inspector General certifies to the House and Senate Committees on Appropriations that the recommendations of report CR-2003-031 have been implemented to his satisfaction.

[[Page 117 STAT. 589]]

TITLE II--MISCELLANEOUS AND TECHNICAL APPROPRIATIONS

CHAPTER 1

Subcommittee on Agriculture, Rural Development, and Related Agencies

GENERAL PROVISIONS

Sec. 2101. (a) Section 756 in division A of Public Law 108-7 is amended <<NOTE: Ante, p. 45.>> by striking ``section 7404" and inserting in lieu thereof ``sections 7404(a)(1) and 7404(c)(1)".

(b) Section 7404(e) of Public Law 107-171 is <<NOTE: 7 USC 3101 note.>> amended by striking ``0.1 percent of the amount of appropriations available to the Agricultural Research Service" and inserting in lieu thereof ``\$499,000 of the amount of appropriations available to the Department of Agriculture".

Sec. 2102. Section 210 of the Agricultural Assistance Act of 2003, ``Assistance to <<NOTE: Ante, p. 544.>> Agricultural Producers Located in New Mexico for Tebuthiuron Application Losses", is amended in subsection (a)--

- (1) by inserting ``all" before ``losses";
- (2) by inserting after ``losses" the following: ``to crops, livestock, and trees, and interest and loss of income, and related expenses";
- (3) by striking ``during calendar years 2002 and 2003"; and
- (4) by striking ``August" and inserting in lieu thereof ``July".

Sec. 2103. Livestock Compensation Program. Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7) is amended <<NOTE: Ante, p. 539.>> by adding at the end the following:

``(3) Grants.--

``(A) In general.--To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

``(B) Amount.--The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).".

Sec. 2104. Use of Organically Produced Feed for Certification as Organic Farm. Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of <<NOTE: Ante, p. 49.>> Public Law 108-7) is repealed.

Sec. 2105. Wild Seafood. Section 2107 of the Organic Foods

Production Act of <<NOTE: 7 USC 6506.>> 1990 (7 U.S.C. 6503) is amended--

- (1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
- (2) by inserting after subsection (b) the following:

“(c) Wild Seafood.--

“(1) In general.--Notwithstanding the <<NOTE: Regulations. Public information.>> requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

[[Page 117 STAT. 590]]

“(2) Consultation and accommodation.--In carrying out paragraph (1), the Secretary shall--

“(A) consult with--

- “(i) the Secretary of Commerce;
 - “(ii) the National Organic Standards Board established under section 2119;
 - “(iii) producers, processors, and sellers;
- and
- “(iv) other interested members of the public;
- and

“(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.”.

Sec. 2106. Technical Assistance for Conservation Programs. (a) In General.--Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

“(b) Technical <<NOTE: Effective date.>> Assistance.--

“(1) In general.--Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

“(2) Conservation security program.--Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)--

“(A) shall be available for the provision of

technical assistance for the conservation security program; and

“(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.”.

(b) Effective Date.--The <<NOTE: 16 USC 3841 note.>> amendment made by subsection (a) takes effect on February 20, 2003.

CHAPTER 2

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

Office of the United States Trade Representative

European Communities music licensing dispute

For the payment to the European Communities with regard to the European Communities music licensing dispute, \$3,300,000.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

procurement, acquisition and construction

For an additional amount for “Procurement, Acquisition and Construction” for satellite programs, \$65,000,000, to remain available until September 30, 2004: Provided, That funds provided under

[[Page 117 STAT. 591]]

this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense.

RELATED AGENCIES

Equal Employment Opportunity Commission

salaries and expenses

For an additional amount for ``Equal Employment Opportunity Commission, Salaries and Expenses", \$15,000,000.

National Commission on Terrorist Attacks Upon the United States

salaries and expenses

For an additional amount for ``National Commission on Terrorist Attacks Upon the United States, Salaries and Expenses", \$11,000,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

Sec. 2201. Section 501(b) of title V of division N of the Consolidated Appropriations <<NOTE: Ante, p. 549.>> Resolution, 2003 is amended--

(1) by striking ``program authorized for the fishery in Sec. 211" and inserting ``programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking ``program in section 211" and inserting ``programs in sections 211 and 212".

CHAPTER 3

Subcommittee on District of Columbia

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

Governmental Direction and Support

(including rescissions)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$8,752,000 are rescinded (including \$8,655,000 from local funds and \$97,000 from other funds).

Economic Development and Regulation

(including rescission)

For an additional amount for ``Economic Development and Regulation", \$13,428,000 (including a rescission of \$1,282,000 from

local funds appropriated under this heading in the District of

[[Page 117 STAT. 592]]

Columbia Appropriations Act, 2003, and an additional amount of \$14,710,000 from other funds).

Public Safety and Justice

For an additional amount for ``Public Safety and Justice", \$11,462,000 from local funds.

Public Education System

(including rescissions)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$11,435,000 are rescinded (including a rescission of \$13,546,000 from local funds and an additional amount of \$2,111,000 from other funds), to be allocated as follows:

(1) District of columbia public schools.--An increase of \$2,029,000 (including a rescission of \$29,000 from local funds and an additional amount of \$2,058,000 from other funds).

(2) State education office.--A rescission of \$181,000 from local funds.

(3) Public charter schools.--Notwithstanding any other provision of law, a rescission of \$12,000,000 from local funds.

(4) University of the district of columbia.--A rescission of \$1,040,000 from local funds.

(5) District of columbia public libraries.--A rescission of \$237,000 (including a rescission of \$290,000 from local funds and an additional amount of \$53,000 from other funds).

(6) Commission on the arts and humanities.--A rescission of \$6,000 from local funds.

Human Support Services

(including rescission)

For an additional amount for ``Human Support Services", \$30,258,000 (including an additional amount of \$34,292,000 from local funds and a rescission of \$4,034,000 from other funds appropriated under this heading in the District of Columbia Appropriations Act, 2003.

In addition, this heading in the District of Columbia Appropriations Act, 2003, is amended by striking the following proviso ``: Provided further, That \$37,500,000 in local funds, to remain available until

expended, shall be deposited in the Medicaid and Special Education Reform Fund." and inserting the following proviso ``: Provided further, That \$74,500,000 in local funds may be deposited in the Medicaid and Special Education Reform Fund and shall then remain available until expended.".

Public Works

(including rescission)

For an additional amount for ``Public Works", \$2,420,000 (including a rescission of \$8,998,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of \$11,418,000 from other funds):

[[Page 117 STAT. 593]]

Provided, That \$512,000 from other funds shall remain available until expended for the taxicab revolving loan fund.

Repayment of Loans and Interest

(including rescission)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$2,466,000 are rescinded.

Wilson Building

(including rescission)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$700,000 are rescinded.

Workforce Investments

(including rescission)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$2,000,000 are rescinded.

Non-Departmental Agency

(including rescission)

Of the funds appropriated under this heading in the District of

Columbia Appropriations Act, 2003, \$5,799,000 are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 2301. The District of Columbia is hereby authorized to transfer an amount not to exceed \$12,081,000, to remain available until expended, from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's undesignated, unreserved fund balance to the local general fund to cover revenue shortfalls: Provided, That nothing in this provision shall be deemed as granting the District additional authority to expend funds from the emergency or contingency reserves established under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a(b)).

Sec. 2302. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104-8) shall remain in effect through September 30, 2004.

Sec. 2303. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title I of division C, under the heading ``Federal Payment to the Chief Financial Officer of the District of Columbia" the provision specifying \$100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields shall be deemed to read as follows: ``\$100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields and to support the Fort Dupont's Kids on Ice program".

[[Page 117 STAT. 594]]

CHAPTER 4

Subcommittee on Interior and Related Agencies

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

state and tribal wildlife grants

Division F of Public Law 108-7 is hereby amended under the heading ``United States Fish and Wildlife Service, State and Tribal Wildlife Grants" <<NOTE: Ante, p. 223.>> by striking ``\$3,000,000" and inserting ``\$5,000,000".

National Park Service

operation of the national park system

Division F of Public Law 108-7 is hereby amended under the heading ``National Park Service, Operation of the National Park System" <<NOTE: Ante, p. 224.>> by striking ``\$1,565,565,000" and inserting ``\$1,574,565,000".

Bureau of Indian Affairs

construction

Within 30 days <<NOTE: Deadline.>> of enactment of this Act, the Secretary of the Interior shall make available for obligation funds previously appropriated in Public Law 107-63 for construction of the Ojibwa Indian School.

GENERAL PROVISION, THIS CHAPTER

Sec. 2401. Section 328 of division F, <<NOTE: Ante, p. 276.>> Public Law 108-7 is amended by striking the phrase ``under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104-19)" in the proviso.

CHAPTER 5

Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

health resources and services

The matter under the heading ``Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in <<NOTE: Ante, p. 307.>> Public Law 108-7 is amended--

(1) by striking ``Heart Beat, New Bloomfield, PA," and inserting ``Heart Beat, Millerstown, PA," in lieu thereof;

(2) by striking ``Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services" and inserting ``DIAKON Lutheran Social Ministries, Allentown, PA, for

abstinence education and related services in Cumberland and Dauphin counties" in lieu thereof;

(3) by striking ``Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services" and inserting ``DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county" in lieu thereof;

(4) by striking ``\$298,153,000" and inserting ``\$296,638,000" in the first proviso; and

(5) by inserting after ``a study regarding delivery of pediatric health care in northeastern Oklahoma," the following: ``\$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County, \$200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, \$1,000,000 is available for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism".

Office of the Secretary

public health and social services emergency fund

The matter under the heading ``Office of the Secretary, Public Health and Social Services Emergency Fund", in Public Law 108-7 is amended <<NOTE: Ante, p. 322.>> by striking ``, to remain available until expended" after ``\$5,000,000".

GENERAL PROVISIONS

(transfer authority)

Sec. 2501. Section 207 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; division G) <<NOTE: Ante, p. 323.>> is amended by striking ``or any other".

international health activities

Sec. 2502. (a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108-7, division G), in order for the Centers for Disease Control and Prevention

to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

[[Page 117 STAT. 596]]

DEPARTMENT OF EDUCATION

school improvement programs

The matter under the heading ``Department of Education, School Improvement Programs'', in Public Law 108-7 <<NOTE: Ante, p. 327.>> is amended--

- (1) by striking ``\$8,052,957,000" and inserting ``\$8,053,507,000";
- (2) by striking ``\$508,100,000" and inserting ``\$537,100,000";
- (3) by striking ``\$4,132,167,000" and inserting ``\$4,233,167,000";
- (4) by striking ``\$814,660,000" and inserting ``\$815,210,000"; and
- (5) by striking ``\$212,160,000" and inserting ``\$212,710,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of division G, relating to the Fund for the Improvement of Education under the heading ``School Improvement Programs"--

- (1) the provision specifying \$150,000 for Illinois State Board of Education, Springfield, Illinois, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: ``Illinois State Board of Education, Springfield, Illinois, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School

District #150 and Jacksonville School District #117, \$150,000";

(2) the provision specifying \$2,000,000 for Pinellas County Florida School District, St. Petersburg, Florida, for technology for Title I schools shall be deemed to read as follows: ``St. Petersburg College, St. Petersburg, Florida, for the Pinellas County EpiCenter, \$2,000,000";

(3) the provision specifying \$500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying \$200,000 for the Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground shall be deemed to read as follows: ``Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground, \$700,000";

(5) the provision specifying \$25,000 for the Boys and Girls Club of El Dorado, Arkansas, for drug prevention and after school programs shall be deemed to read as follows: ``Boys and Girls Club, Southeast Unit, El Dorado, Arkansas, for drug prevention and after school programs, \$25,000";

(6) the provision specifying \$100,000 for the American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities shall be deleted;

(7) the provision specifying \$400,000 for the Milwaukee Public Schools, Wisconsin, to expand before- and after-school

[[Page 117 STAT. 597]]

programs shall be deemed to read: ``Milwaukee Public Schools, WI, for before- and after-school programs, \$400,000";

(8) the provision specifying \$200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: ``Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, \$200,000";

(9) the provision specifying \$250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read: ``Community School District 8, Bronx, NY, for after-school programs, \$250,000";

(10) the provision specifying \$20,000 for Westside High

School, Bakersfield, California, for equipment shall be deemed to read: ``West High School, Bakersfield, California, for equipment, \$20,000";

(11) the provision specifying \$1,000,000 for the National Science Center Foundation, Atlanta, Georgia, for educational technology and other purposes shall be deemed to read:

``National Science Center Foundation, Augusta, Georgia, for educational technology and other purposes, \$1,000,000";

(12) the provision specifying \$200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: ``Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education programs at the Crissy Field Center, \$200,000" and a provision shall be added that reads:

``Beresford Community Education in Beresford, SD, to expand community education programs, \$150,000";

(13) the provision specifying \$100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: ``University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, \$100,000";

(14) the provision specifying \$25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky, for technology shall be deemed to read as follows: ``Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky, for school counseling services, \$25,000";

(15) the provision specifying \$40,000 for the Father Maloney's Boys Haven, Louisville, Kentucky, for technology shall be deemed to read as follows: ``Father Maloney's Boys Haven, Louisville, Kentucky, for an educational program, \$40,000";

(16) the provision specifying \$50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: ``Joel II Restoration Outreach, Inc., for education programs, \$50,000"; and

(17) the provision specifying \$1,500,000 for the City of Upland, California, for after school programs shall be deemed to read as follows: ``YMCA of the City of Upland, California, for after-school activities, \$1,500,000".

[[Page 117 STAT. 598]]

higher education

The matter under the heading ``Higher Education", in Public Law 108-7 <<NOTE: Ante, p. 330.>> is amended--

- (1) by striking ``\$2,100,701,000" and inserting ``\$2,100,151,000"; and
- (2) by striking ``\$140,599,000" and inserting ``\$140,049,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of division G, relating to the Fund for the Improvement of Postsecondary Education under the heading ``Higher Education"--

- (1) the second reference to the provision specifying \$1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;
- (2) the provision specifying \$500,000 for Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School shall be deleted and a provision shall be added that reads: ``American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities, \$100,000";
- (3) the provision specifying \$100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: ``Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, \$200,000";
- (4) the provision specifying \$150,000 for Beresford Community Education in Beresford, SD, to expand community education programs shall be deleted;
- (5) the provision specifying \$100,000 for Slippery Rock University, Slippery Rock, Pennsylvania, for the North Hill Educational Alliance shall be deleted;
- (6) the provision specifying \$400,000 for the University of Southern Maine, Portland, Maine, for telecommunications and technology upgrades to support science, engineering and advanced technology programs shall be deleted and the provision specifying \$600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: ``University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and

technology, \$1,000,000"; and

(7) the provision specifying \$250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: ``National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, \$250,000".

[[Page 117 STAT. 599]]

General Provisions

Sec. 2503. Section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) is amended by striking ``17" and inserting ``19".

Sec. 2504. Section 7304(a)(2)(P) of the Elementary and Secondary Education Act of 1965 <<NOTE: 20 USC 7544.>> is amended by striking ``such as" and inserting in lieu thereof ``operated by".

RELATED AGENCIES

Corporation for National and Community Service

domestic volunteer service programs, operating expenses

The matter under the heading ``Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses", in Public Law 108-7 <<NOTE: Ante, p. 333.>> is amended by inserting after ``in this Act" the following: ``for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973".

CHAPTER 6

Subcommittee on Legislative Branch

ARCHITECT OF THE CAPITOL

Sec. 2601. (a) The third sentence of section 1203(a) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, division H) is <<NOTE: Ante, p. 373.>> amended by striking ``not later than 90 days" and inserting ``not later than 180 days".

(b) The <<NOTE: Effective date. 2 USC 1805 note.>> amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

Sec. 2602. Notwithstanding any other provision of law, the Architect of the Capitol may obligate and expend such amounts from the Capitol Preservation Fund established under section 803 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2083, formerly 40 U.S.C. 188a-2) as approved by the Capitol Preservation Commission established under section 801 of such Act (2 U.S.C. 2081, formerly 40 U.S.C. 188a) for the purposes of planning, engineering, design or construction of the Capitol Visitor Center.

LIBRARY OF CONGRESS

Sec. 2603. The Legislative Branch Appropriations Act, 2003 (Public Law 108-7, division H) is amended in the item relating to ``Library of Congress--Salaries and Expenses" by <<NOTE: Ante, p. 376.>> striking the period at the end and inserting the following: ``: Provided further, That of the amount transferred under this heading to the educational consortium formed to conduct the `Joining Hands Across America: Local Community Initiative', not more than \$500,000 may be used for a math and science education pilot project.".

Sec. 2604. The Legislative Branch Appropriations Act, 2003 (Public Law 108-7, division H) is amended in the item relating to ``Library of Congress--Salaries and Expenses" by striking ``North

[[Page 117 STAT. 600]]

Carolina" and inserting the following: ``North Carolina, and for developing a high-capacity computer facility to serve that region".

CHAPTER 7

Subcommittee on Transportation, Treasury and General Government

GENERAL PROVISIONS, THIS CHAPTER

Sec. 2701. Section 336 of division I of <<NOTE: Ante, p. 415.>> Public Law 108-7 is amended by striking ``Transportation Management" and inserting in lieu thereof ``Urbanized".

Sec. 2702. Section 321 of division I of <<NOTE: Ante, p. 411.>> Public Law 108-7 is amended by--

- (1) inserting ``or underneath" in subsection (q)(2) before ``the Class B airspace";
- (2) striking ``has sufficient capacity and" in subsection (q)(3) after ``Title 49"; and

(3) inserting ``passenger" in subsection (q)(3) before ``delays".

Sec. 2703. Amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of such Act (112 Stat. 263).

Sec. 2704. It is the sense of the Senate that--

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the two airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

Sec. 2705. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

Sec. 2706. (a) Notwithstanding any other provision of law, projects and activities designated on pages 1267 through 1278 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-7 shall be eligible for fiscal year 2003 funds made available from the program for which each project or activity is so designated and projects and activities on pages 1305 through 1307 shall be awarded those grants upon receipt of an application.

[[Page 117 STAT. 601]]

(b) Public Law 108-7 is <<NOTE: Ante, p. 392.>> amended in the first paragraph under the heading ``Federal Highway Administration Limitation

on Administrative Expenses" by striking ``\$269,700,000" and inserting ``\$299,745,000".

Sec. 2707. Notwithstanding any other provision of law, funds made available under the heading ``Federal Transit Administration Formula Grants" for fiscal year 2003 shall be available to finance the operating cost of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 Federal decennial census of population for a portion of the area that was not designated as an urbanized area as determined under the 1990 Federal decennial census of population if that portion of the area received assistance under section 5311 of title 49, United States Code.

Sec. 2708. Section 41743(c)(4) of title 49, United States Code, is amended by inserting before the period at the end the following: ``in each year for which funds are appropriated for the program".

Sec. 2709. Section 626 of title VI of division B of Public Law 108-7 is <<NOTE: Ante, p. 106.>> amended by striking ``previously".

Sec. 2710. None of the funds in this Act or any other Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States: Provided, That for purposes of implementing section 41106, an air carrier shall not be considered to be effectively controlled by citizens of the United States if the air carrier receives 50 percent or more of its operating revenue over the most recent 3-year period from a person not a citizen of the United States and such person, directly or indirectly, either owns a voting interest in the air carrier or is owned by an agency or instrumentality of a foreign state: Provided further, That this <<NOTE: Applicability.>> prohibition applies to transportation performed under any contract awarded or re-awarded after the date of enactment of this Act: Provided further, That when the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, such transportation, the Secretary of Defense may make a contract to provide the transportation with an air carrier not having a certificate: Provided further, That the Secretary of Transportation is directed to use an Administrative Law Judge in a formal proceeding to resolve docket number OST-2002-13089.

CHAPTER 8

Subcommittee on Veterans Affairs and Housing and Urban Development and
Independent Agencies

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

General Operating Expenses

(including transfer of funds)

For an additional amount for costs associated with processing claims of veterans who may have incurred injuries with service in the Persian Gulf War combat arena, \$100,000,000, to remain available until expended: Provided, That the Secretary may transfer

[[Page 117 STAT. 602]]

such sums as may be necessary to ``Veterans Health Administration, Medical Care" to provide health care services as authorized by 38 U.S.C. 1710(e)(1)(D) subject to a determination by the Secretary of Veterans Affairs that such additional funds are necessary: Provided further, That the <<NOTE: Notification.>> Secretary shall notify the Committees on Appropriations at least 15 days prior to the transfer or allocation of any funds provided under this paragraph.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

community development fund

The referenced statement of managers under the heading ``Community development fund" in title II of Public Law 108-7 under grant No. 26 under the Neighborhoods Initiative program is amended by striking ``Glendale, Montana" and inserting in lieu thereof ``Glendive, Montana".

The referenced statement of managers under the heading ``Community development fund" in title II of Public Law 106-377 is amended by striking ``\$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastructure improvements at the Serenity Village homeless programs" and inserting in lieu thereof ``\$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania, for renovation and infrastructure improvements for a homeless service center on Penn Avenue in Pittsburgh".

The referenced statement of managers under the heading ``Community development fund" in title II of Public Law 108-7 under grant No. 201 under the Economic Development Initiatives program is amended by striking ``the Clearwater Economic Development Association in

Clearwater, Idaho" and inserting in lieu thereof ``the State of Idaho".

The referenced statement of managers under the heading ``Community development fund" in title II of Public Law 108-7 under grant No. 873 under the Economic Development Initiatives program is amended by striking ``Grant County Commission in West Virginia" and inserting in lieu thereof ``Grant County Library Commission in Grant County, West Virginia".

INDEPENDENT AGENCIES

Corporation for National and Community Service

national and community service programs operating expenses

To liquidate obligations previously incurred by the Corporation for National and Community Service (``Corporation"), up to \$64,000,000 is provided to the National Service Trust: Provided, That the Corporation may use these funds only to liquidate the deficiency that it has already incurred and that these funds are not available for obligation, or to liquidate obligations, for any other purpose whatsoever: Provided further, That the Corporation may not use these funds unless and until it reports these overobligations to the Congress and the President in accordance with the requirements of the Antideficiency Act and the guidance of the Office of Management and Budget in OMB Circular A-11 (2002):

[[Page 117 STAT. 603]]

Provided further, That the second proviso under the heading ``Corporation for National and Community Service" in Public Law 108-7 is deemed to be <<NOTE: Ante, p. 506.>> amended by inserting after ``section 501(a)(4)" the following: ``with not less than \$2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, without regard to the provisions of section 501(a)(4)(B) of the Act".

Environmental Protection Agency

state and tribal assistance grants

The referenced statement of the managers under this heading in Public Law 106-74 is deemed to be amended in reference to item number 135, as amended, by striking everything after ``135." and inserting, ``\$437,000 for the Huntington Sanitary Board of Huntington, West Virginia for the construction of wastewater treatment facilities in the

Fourpole Watershed; and \$513,000 for the Region I Planning and Development Council in Princeton, West Virginia for water and wastewater infrastructure improvements": Provided, That the referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended by striking everything after ``District" in reference to item number 222 and inserting ``for water infrastructure improvements": Provided further, That the referenced statement of the managers under this heading in Public Law 108-7 is deemed to be amended by striking everything after the word ``Agency" in reference to item number 72 and inserting ``for the Mojave Desert Arsenic Demonstration Project".

administrative provision

Within 30 days <<NOTE: Deadline. 7 USC 136a-1 note.>> of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each ``maximum annual fee payable" pursuant to 7 U.S.C. 136a-1(i)(5)(D) and (E) in a manner such that maintenance fee collections made to reach the level authorized in division K of Public Law 108-7 shall be established in the same proportion as those maintenance fee collections authorized in Public Law 107-73.

National Science Foundation

research and related activities

The first sentence under this heading in Public Law 108-7 is <<NOTE: Ante, p. 521.>> amended by striking ``\$320,000,000" and inserting in lieu thereof ``\$330,000,000".

TITLE III--COLUMBIA <<NOTE: Columbia Orbiter Memorial Act. 38 USC 2409 note.>> ORBITER MEMORIAL ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ``Columbia Orbiter Memorial Act".

SEC. 302. CONSTRUCTION <<NOTE: Virginia.>> OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

(a) Construction Required.--The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in

[[Page 117 STAT. 604]]

Arlington National Cemetery, Virginia, a memorial marker honoring the

seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS-107.

(b) Availability of Funds.--Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) under the heading ``Operation and Maintenance, Army", \$500,000 shall be available for the construction of the memorial marker required by subsection (a).

SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

(a) Authority To Accept Donations.--The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS-107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

(b) Transfer.--(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

(c) Expiration of Authority.--The authority of the Administrator to accept gifts and donations under subsection (a) shall expire 5 years after the date of the enactment of this Act.

TITLE IV--AVIATION-RELATED ASSISTANCE

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

For expenses and revenue forgone related to aviation security, \$2,395,750,000, to remain available until September 30, 2003: Provided, That the first \$100,000,000 of such amounts shall be available, notwithstanding any other provision of this Act, until expended to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act: Provided further, That the remaining \$2,295,750,000 of such amounts

shall be remitted to United States flag air carriers in the proportional share each such carrier has paid or collected as of the date of enactment of this Act in passenger security and air carrier security fees to the Transportation Security Administration: Provided further, That payments made under the preceding proviso may be used by an air carrier for such purposes as the carrier determines appropriate: Provided further, That <<NOTE: Deadline.>> payments made under this heading shall be distributed as a lump sum payment and made not later than 30 days after the date of enactment

[[Page 117 STAT. 605]]

of this Act: Provided further, That <<NOTE: Deadline. Certification.>> the Transportation Security Administration, not later than 30 days after the last disbursement of funds made pursuant to the second proviso under this heading, shall certify that such funds were allocated by air carriers for security related expenses or revenue forgone as a result of meeting Federal security mandates and shall transmit such certification to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House Committee on Transportation and Infrastructure: Provided further, That the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not impose the fees authorized by section 44940(a) of title 49, United States Code, during the period beginning June 1, 2003, and ending September 30, 2003: Provided further, That: (1) Notwithstanding any other provision of law, the Secretary of Homeland Security may not provide assistance to an air carrier pursuant to the second proviso under this heading unless that air carrier executes a contract with the Secretary under which the air carrier agrees that--

(A) the air carrier will not provide total cash compensation during the 12-month period beginning April 1, 2003, to an executive officer in an amount equal to more than the annual salary paid to that officer with respect to the air carrier's fiscal year 2002; and

(B) if the air carrier violates the agreement under subparagraph (A), the air carrier will pay to the Secretary of the Treasury, within 60 days after the date on which the violation occurs, an amount, determined by the Secretary of Homeland Security, equal to the total amount of assistance received by the air carrier pursuant to the second proviso under this heading.

(2) For the purpose of applying paragraph (1) of this proviso to an executive officer--

(A) who was employed by an air carrier for less than 12 months during the air carrier's fiscal year 2002, or whose employment began after the last day of the last fiscal year of such air carrier ending before the date of enactment of this Act--

(i) the salary paid to that executive officer in that air carrier's fiscal year 2002, or in the next fiscal year of that air carrier (if such next fiscal year began before the date of enactment of this Act), respectively, shall be determined as an annual rate of pay;

(ii) that annual rate of pay shall be treated as if it were the annual salary paid to that executive officer during the air carrier's fiscal year 2002; and

(iii) that executive officer shall be deemed to have been employed during that fiscal year; and

(B) whose employment begins after the date of enactment of this Act--

(i) the annual salary at which that executive officer is first employed by an air carrier may not exceed the maximum salary paid to any executive officer by that air carrier during that air carrier's fiscal year 2002 with the same or similar responsibilities;

[[Page 117 STAT. 606]]

(ii) that salary shall be treated as if it were the annual salary paid to the executive officer during that air carrier's fiscal year 2002; and

(iii) the executive officer shall be deemed to have been employed by that air carrier during that air carrier's fiscal year 2002.

(3) The Secretary shall not apply any of the conditions of this proviso for receiving assistance pursuant to the second proviso under this heading to any air carrier that operates aircraft exclusively with 85 seats or less, any Hawaii-based carrier or any air carrier that does not operate trans-Pacific or trans-Atlantic flights.

(4)(A) The Comptroller <<NOTE: Records.>> General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of air carriers entering into an agreement under this proviso that relate to the information required to implement the provisions of this proviso.

(B) The Comptroller <<NOTE: Reports. Certification.>> General shall

transmit a report of any investigation conducted under this proviso to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure, together with a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by this report.

(5) In this proviso, the following definitions apply:

(A) The term ``executive officer" means the two most highly compensated named executive officers (as that term is used in section 402(a)(3) of Regulation S-K promulgated by the Securities and Exchange Commission under the Securities and Exchange Act of 1934 (17 CFR 229.402(a)(3))).

(B) The term ``salary" means the base salary of an individual, excluding any bonuses, awards of stock, or other financial benefits provided by an air carrier to the individual.

(C) The term ``total cash compensation" has the meaning given the term ``total compensation" by section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), but does not include awards of stock or stock options or preexisting contracts governing retirement.

(6) Nothing in this proviso shall be construed to prohibit or limit an air carrier in providing health benefits, life insurance benefits, or reimbursement of reasonable expenses to an executive officer.

GENERAL PROVISIONS--THIS TITLE

Sec. 4001. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking ``2003" each place it appears and inserting ``2004".

(b) Section 44303(b) of such title is amended by striking ``2003" and inserting ``2004".

(c) Section 44310 of such title is amended by striking ``2003" and inserting ``2004".

[[Page 117 STAT. 607]]

SEC. 4002. ADDITIONAL <<NOTE: 26 USC 3304 note.>> TEMPORARY
EXTENDED

UNEMPLOYMENT COMPENSATION FOR DISPLACED AIRLINE
RELATED
WORKERS.

(a) Definitions.--For purposes of this section--

(1) the term "eligible individual" means an individual whose eligibility for temporary extended unemployment compensation under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 21), as amended by Public Law 108-1 (117 Stat. 3), is or would be based on the exhaustion of regular compensation under State law, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term "qualifying employment", with respect to an eligible individual, means employment--

(A) with an air carrier, employment at a facility at an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to--

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term "upstream producer" means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term "supplier" means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term "Secretary" means the Secretary of Labor; and

(7) the term "terrorist action or security measure" means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

(b) Additional Temporary <<NOTE: Applicability.>> Extended Unemployment Compensation for Eligible Individual.--In the case of an eligible individual, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 21), as amended by Public Law 108-1 (117 Stat. 3), shall be applied as if it had been amended in accordance with subsection (c).

(c) Modifications.--

(1) In general.--For purposes of subsection (b), the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 21), as amended by Public Law 108-1 (117 Stat. 3), shall be treated as if it had been amended as provided in this subsection.

(2) Program extension.--Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002,

[[Page 117 STAT. 608]]

as amended by Public Law 108-1 (117 Stat. 3), <<NOTE: 26 USC 3304 note.>> to be amended to read as follows:

``SEC. 208. APPLICABILITY.

``(a) In General.--Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment--

``(1) beginning after the date on which such agreement is entered into; and

``(2) ending before December 29, 2003.

``(b) Transition for Amount Remaining in Account.--

``(1) In general.--Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title, including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section.

``(2) Limitation.--No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004."

(3) Additional weeks of benefits.--Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by <<NOTE: 26 USC 3304 note.>> Public Law 108-1 (117 Stat. 3), to be amended--

(A) in subsection (b)(1)--

(i) in subparagraph (A), by striking ``50" and inserting ``150"; and

(ii) by striking ``13" and inserting ``39"; and

(B) in subsection (c)(1), by inserting ``1/3\ of"

after ``equal to".

(4) Effective date of modifications described in paragraph (3).--

(A) In general.--The amendments described in paragraph (3)--

(i) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(ii) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment of this Act, subject to subparagraph (B).

(B) Special rules.--In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this section) shall be applied subject to the following:

(i) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ``TEUC-X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly

[[Page 117 STAT. 609]]

known as ``TEUC amounts"), as deemed to have been amended by paragraph (3)(A).

(ii) For purposes of determining whether the individual is eligible for any TEUC-X amounts under such Act, as deemed to be amended by this subsection--

(I) any determination made under section 203(c) of such Act before the application of the amendment described in paragraph (3)(B) shall be disregarded; and

(II) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by paragraph (3)(B), as of the time that all amounts established in such account in accordance with section

203(b) of such Act (as deemed to be amended under this subsection, and including any amounts described in clause (i)) are in fact exhausted.

TITLE V--PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES

AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) Establishment.--There is established a panel to review sexual misconduct allegations at the United States Air Force Academy.

(b) Composition.--The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have expertise in behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims (to include their medical and legal rights and needs), as well as the United States military academies.

(c) Chairman.--The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) Period of Appointment; Vacancies.--Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) Meetings.--The panel shall meet at the call of the Chairman.

(f) Initial Organization <<NOTE: Deadline.>> Requirements.--(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 8, 2003.

SEC. 502. DUTIES OF PANEL.

(a) In General.--The panel established under section 501(a) shall carry out a study of the policies, management and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

[[Page 117 STAT. 610]]

(b) Review.--In carrying out the study required by subsection (a), the panel shall--

(1) review the actions taken by United States Air Force Academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between--

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy;

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study; and

(6) review, and incorporate as appropriate, the findings of ongoing studies being conducted by the Air Force General Counsel and Inspector General.

(c) Report.--(1) Not <<NOTE: Deadline.>> later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection 502(a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include--

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) Pay of Members.--(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) Travel Expenses.--The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of

title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

[[Page 117 STAT. 611]]

TITLE VI--GENERAL PROVISIONS--THIS ACT

Sec. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ``Emergency Wartime Supplemental Appropriations Act, 2003".

Approved April 16, 2003.

LEGISLATIVE HISTORY--H.R. 1559 (S. 762):

HOUSE REPORTS: Nos. 108-55 (Comm. on Appropriations) and 108-76 (Comm. of Conference).

SENATE REPORTS: No. 108-33 accompanying S. 762 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 3, considered and passed House.

Apr. 7, considered and passed Senate, amended, in lieu of S. 762.

Apr. 12, House and Senate (pursuant to a unanimous-consent agreement on Apr. 11) agreed to conference report.

<all>